



# City of NORFOLK

C: Dir., Department of City Planning

To the Honorable Council  
City of Norfolk, Virginia

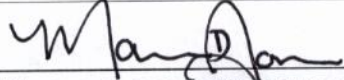
May 10, 2016

From: George M. Homewood, FAICP, CFM, Planning Director

Subject: **Special Exception for the Sale of Alcoholic Beverages for Off-Premises Consumption at 1301 East Little Creek Road, Suites 4 and 5 – Mi Calavera Latin Store**

Reviewed:   
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 5/6

Approved:   
Marcus D. Jones, City Manager

Item Number: **R-6**

I. **Staff Recommendation:** Approval.

II. **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval**.

III. **Request:** Special Exception for the Sale of Alcoholic Beverages for Off-Premises Consumption

IV. **Applicant:** Mi Calavera Latin Store

V. **Description:**

The applicant proposes to allow the existing store to continue offering alcoholic beverages for off-premises consumption with a new business owner.

	Previous (Pueblo Amigo)	Proposed (Mi Calavera)
Hours for the Sale of Alcoholic Beverages for Off-Premises Consumption	12:00 noon until 9:00 p.m., Monday through Saturday 12:00 noon until 8:30 p.m., Sunday	8:00 a.m. until 9:00 p.m. Seven days a week

VI. **Historic Resources Impacts**

The building is not located within a federal, state, or local historic district.

VII. **Public Schools Impacts**

The site is located in the Larrymore Elementary School, the Azalea Middle School and Lake Taylor High School Attendance Zones.

Staff point of contact: Matthew Simons at 664-4750, [matthew.simons@norfolk.gov](mailto:matthew.simons@norfolk.gov)

**Attachments:**

- Staff Report to CPC dated April 28, 2016 with attachments
- Letter of no opposition from the South Bayview Civic League
- Proponents and Opponents
- Ordinance



**Planning Commission Public Hearing: April 28, 2016**

Executive Secretary: George M. Homewood, FAICP, CFM *2mrvu*  
 Planner: Matthew Simons, AICP, CZA, CFM *M-S*

Staff Report	Item No. 11	
Address	1301 East Little Creek Road, Suites 4 and 5	
Applicant	Mi Calavera Latin Store	
Request	Special Exception	Sale of Alcoholic Beverages for Off-Premises Consumption
Property Owner	Mandy's, Inc.	
Site Characteristics	Building Area/Space	9,280 sq. ft./1,372 sq. ft.
	Future Land Use Map	Commercial
	Zoning	C-2 (Corridor Commercial)
	Neighborhood	Larrymore Lawns
	Character District	Suburban
Surrounding Area	North	C-2: Talento Latino barber shop, Greater Grace Ministries, Bap Geon Import Auto Parts
	East	C-2: NAPA Auto Parts
	South	C-2: New York Hair Salon, Servicios Latinos
	West	C-2: SunTrust Bank





#### A. Summary of Request

- The site is located within a strip shopping center, on the south side of East Little Creek Road just east of North Military Highway.
- The applicant proposes to allow the existing store to continue offering alcoholic beverages for off-premises consumption with a new business owner.

#### B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as Commercial.

#### C. Zoning Analysis

##### i. General

- The site is located in the C-2 district, which permits the proposed use by special exception.

	Previous (Pueblo Amigo)	Proposed (Mi Calavera)
Hours for the Sale of Alcoholic Beverages for Off-Premises Consumption	12:00 noon until 9:00 p.m., Monday through Saturday 12:00 noon until 8:30 p.m., Sunday	8:00 a.m. until 9:00 p.m. Seven days a week

##### ii. Parking

- The site is located within the Suburban Character District.
- The proposed change of business ownership at an existing establishment does not require additional parking.
- The proposed establishment is not proposing an increase in occupancy or building floor area and no additional parking impacts are anticipated.

##### iii. Flood Zone

The property is located in the X Flood Zone, which is a low-risk flood zone.

#### D. Transportation Impacts

- No new trips are forecast related to the proposed change in operator at this existing retail establishment.
- Little Creek Road adjacent to the site is not an identified priority corridor in the City of Norfolk Bicycle and Pedestrian Strategic Plan.

#### E. Historic Resources Impacts

The building is not located within a federal, state, or local historic district.

#### F. Public Schools Impacts

The site is located in the Larrymore Elementary School, the Azalea Middle School and Lake Taylor High School Attendance Zones.

**G. Environmental Impacts**

There are currently no opportunities for landscaping site improvements to this existing site.

**H. AICUZ Impacts**

N/A

**I. Surrounding Area/Site Impacts**

By requiring this use to conform to the conditions listed below, the change of business ownership should not have a negative effect on the surrounding area.

**J. Payment of Taxes**

The owner of the property is current on all real estate taxes.

**K. Civic League**

- Notice was sent to the Larrymore Lawns and South Bayview Civic Leagues on March 16.
- A letter of no opposition was received from the South Bayview Civic League on April 4.

**L. Communication Outreach/Notification**

- Legal notice was posted on the property on March 22.
- Letters were mailed to all property owners within 300 feet of the property on April 15.
- Legal notification was placed in *The Virginian-Pilot* on April 14 and April 21.

**M. Recommendation**

Staff recommends **approval** of the special exception request subject to the conditions below:

- (a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 8:00 a.m. until 9:00 p.m., seven days a week.
- (b) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (c) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) No beer shall be sold in any package containing fewer than six (6) bottles or cans, with the exception of those bottled beers which are exclusively produced in bottles greater than 12 ounces but less than 40 ounces in size. No wine shall be sold in containers less than 375 ml each.



- (f) The facility shall maintain a current, active business license at all times while in operation.
- (g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (i) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (j) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so as to keep such areas free of litter, refuse, solid waste, snow, ice, and any bodily discharge.
- (k) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

#### **Attachments**

Location Map  
Zoning Map  
1000' radii map of similar ABC establishments and Norfolk Public Schools  
Application  
Notice to the Larrymore Lawns and South Bayview Civic Leagues  
Letter of no opposition from the South Bayview Civic League


## Proponents and Opponents

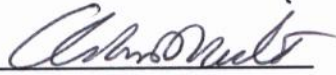
### Proponents

None

### Opponents

None

Form and Correctness Approved: 

By   
Office of the City Attorney

Contents Approved: 

By   
DEPT.

NORFOLK, VIRGINIA

## ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION AT AN ESTABLISHMENT KNOWN AS "MI CALAVERA LATIN STORE" ON PROPERTY LOCATED AT 1301 EAST LITTLE CREEK ROAD, SUITES 4 AND 5.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Mi Calavera Latin Store Incorporated authorizing the sale of beer and wine for off-premises consumption at an establishment known as "Mi Calavera Latin Store" on property located at 1301 East Little Creek Road, Suites 4 and 5. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 102 feet, more or less, along the southern line of East Little Creek Road beginning 410 feet, more or less, from the eastern line of North Military Highway and extending eastwardly; property also fronts 100 feet, more or less, along the northern line of Higby Street beginning 197 feet, more or less, from the eastern line of North Military Highway and extending eastwardly; premises numbered 1301 East Little Creek Road, suites 4 and 5.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 8:00 a.m. until 9:00 p.m., seven days per week.
- (b) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the



Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.

- (c) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) All beer sold for off premises consumption shall be in a package containing a minimum of four (4) bottles or cans, with the exception of those bottled beers which are exclusively produced in bottles greater than 12 ounces but less than 40 ounces in size. All wine shall be sold in containers with a minimum of 375 ml each.
- (f) The facility shall maintain a current, active business license at all times while in operation.
- (g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked



for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

- (i) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (j) During all hours of operation the establishment operator shall be responsible for maintaining the property, those portions of public rights-of-way improved by sidewalk, and those portions of any parking lot adjacent to and used by customers of the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, and both solid and liquid waste.
- (k) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent



real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting the sale of alcoholic beverages for off-premises consumption, adopted on September 27, 2011 (Ordinance No. 44,392). All provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:  
Exhibit A (3 pages)



# EXHIBIT "A"

## Description of Operations Off-Premises Sale of Alcoholic Beverage

Date of Application: 3/8/2016

Name of business: Mi Calavera Latin Store

Address of business: 1301 East Little Creek Rd Norfolk, VA 23518

Name(s) of business owner(s)\*: Mi Calavera Latin Store Incorporated

Name(s) of property owner(s)\*: Mandy's Inc. - Gideon RIESS (Rosalba Ortega)

Name(s) of business manager(s)/operator(s): Rodrigo Gonzalez Zuniga

Daytime telephone number (757): 776-1222

\*If business or property owner is partnership, all partners must be listed.

\*If business or property owner is an LLC or Corporation, all principals must be listed.

### 1. Proposed Hours of Operation:

#### Facility

Weekday From 8 a.m. To 9 p.m.

Friday From 8 a.m. To 9 p.m.

Saturday From 8 a.m. To 9 p.m.

Sunday From 8 a.m. To 9 p.m.

#### Alcoholic Beverage Sales

Weekday From 8 a.m. To 9 p.m.

Friday From 8 a.m. To 9 p.m.

Saturday From 8 a.m. To 9 p.m.

Sunday From 8 a.m. To 9 p.m.

### 2. Type of alcoholic beverage applied for:

☒ Beer ☒ Wine ☐ Mixed Beverage

### 3. Alcoholic beverages to be sold:

☒ Room temperature ☒ Refrigerated

## DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

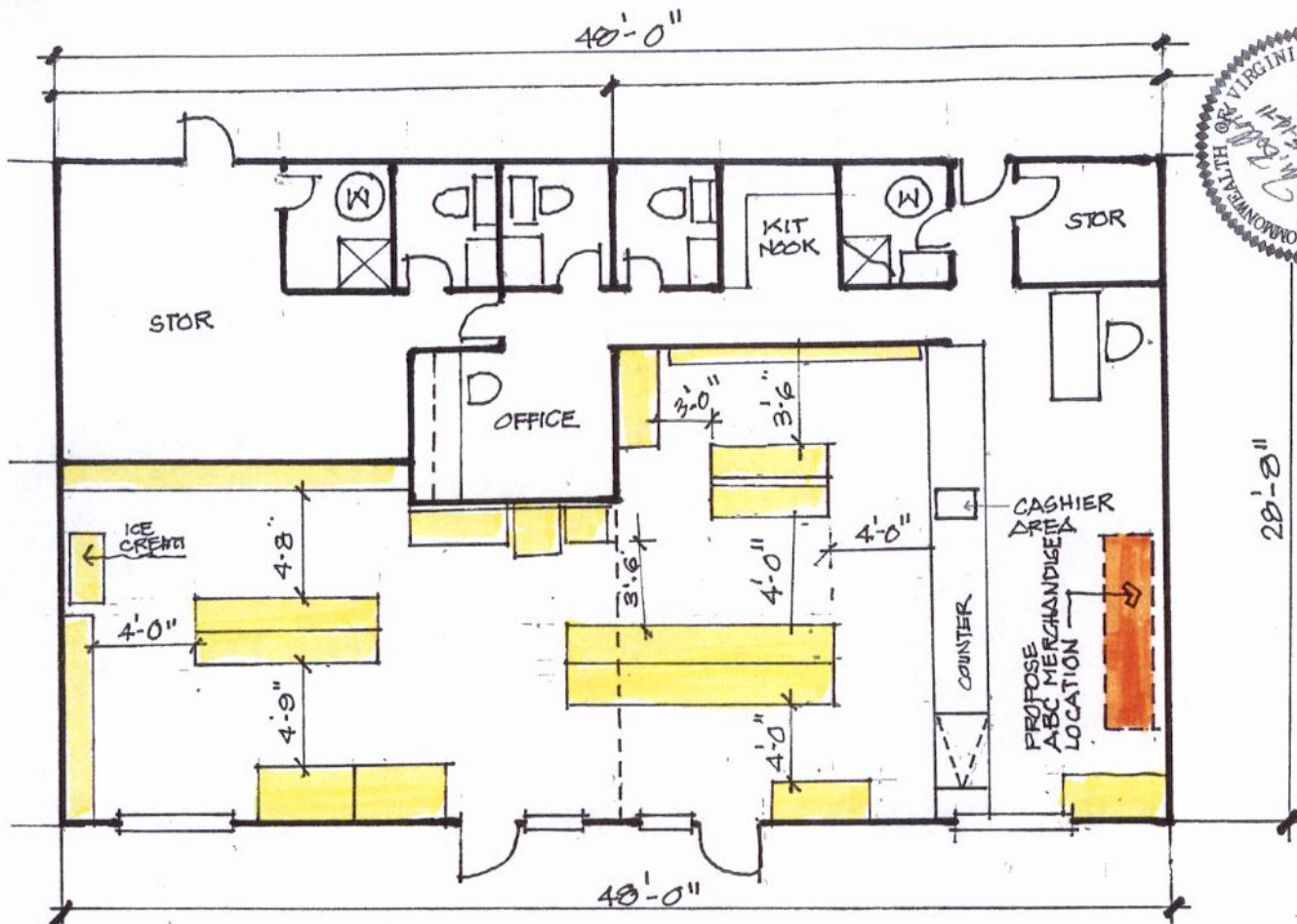


Exhibit A – Page 2  
ABC-Off

4. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes you would sell:

yes,  
except only for specialty imports in quantities produced  
greater than 12oz, but less than 40oz

Rosalva Ortega  
Signature of applicant/owner



# FLOOR PLAN EXISTING

3/16" = 1'-0"

NOTE:  
SHADED IN YELLOW DENOTES  
EXISTING MERCHANDISE UNITS



OWNER  
**PUEBLO AMIGO CORP.**  
1301 EAST LITTLE CREEK RD  
SUITE NO. 425 NORFOLK VIRGINIA

DATE: 5-19-11  
SHEET 1  
RODRIGO M. BELLOSO ASSOC.  
344 MUSTANG TAIL  
VIRGINIA BEACH, VA. 23452  
OF 1

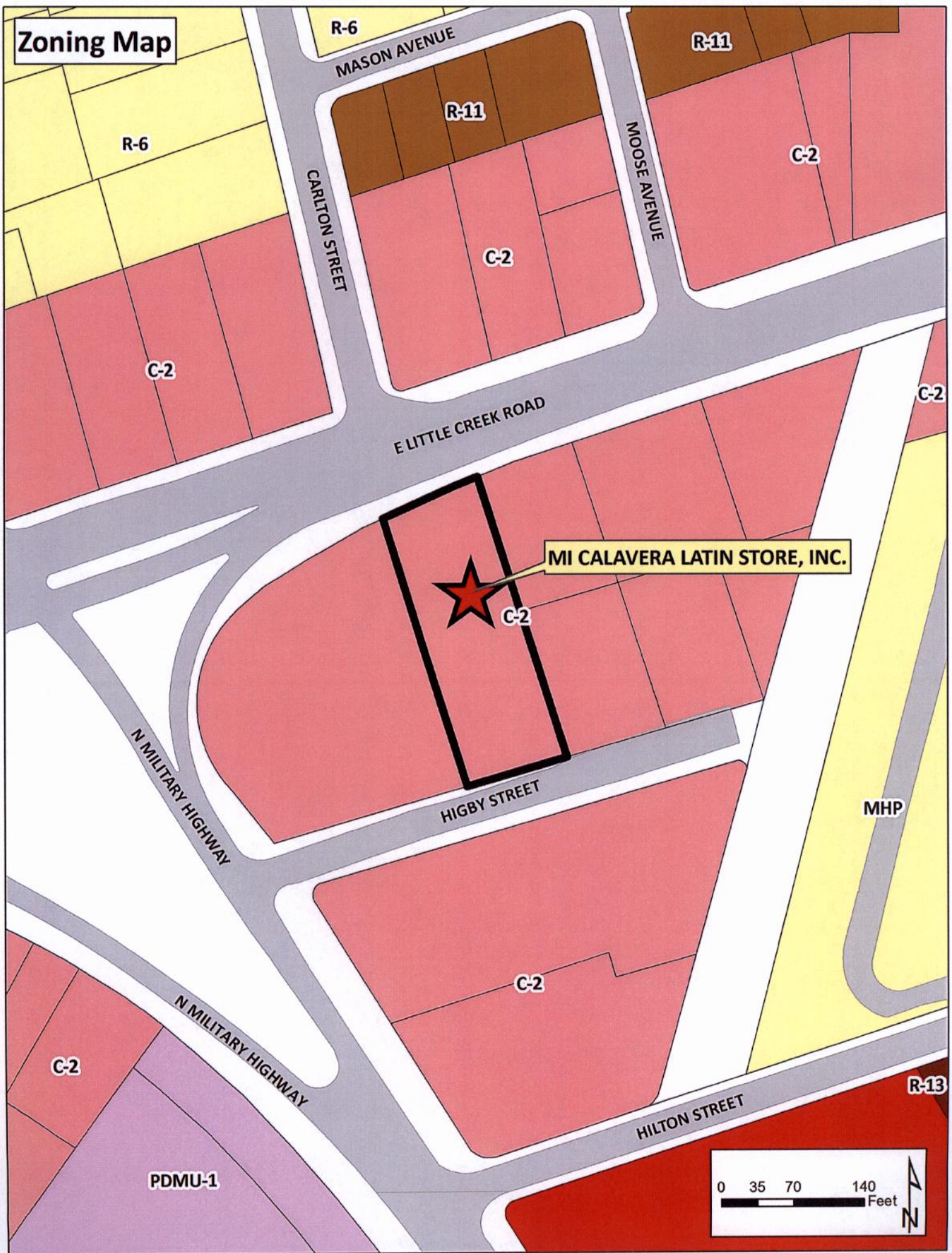


**Location Map**



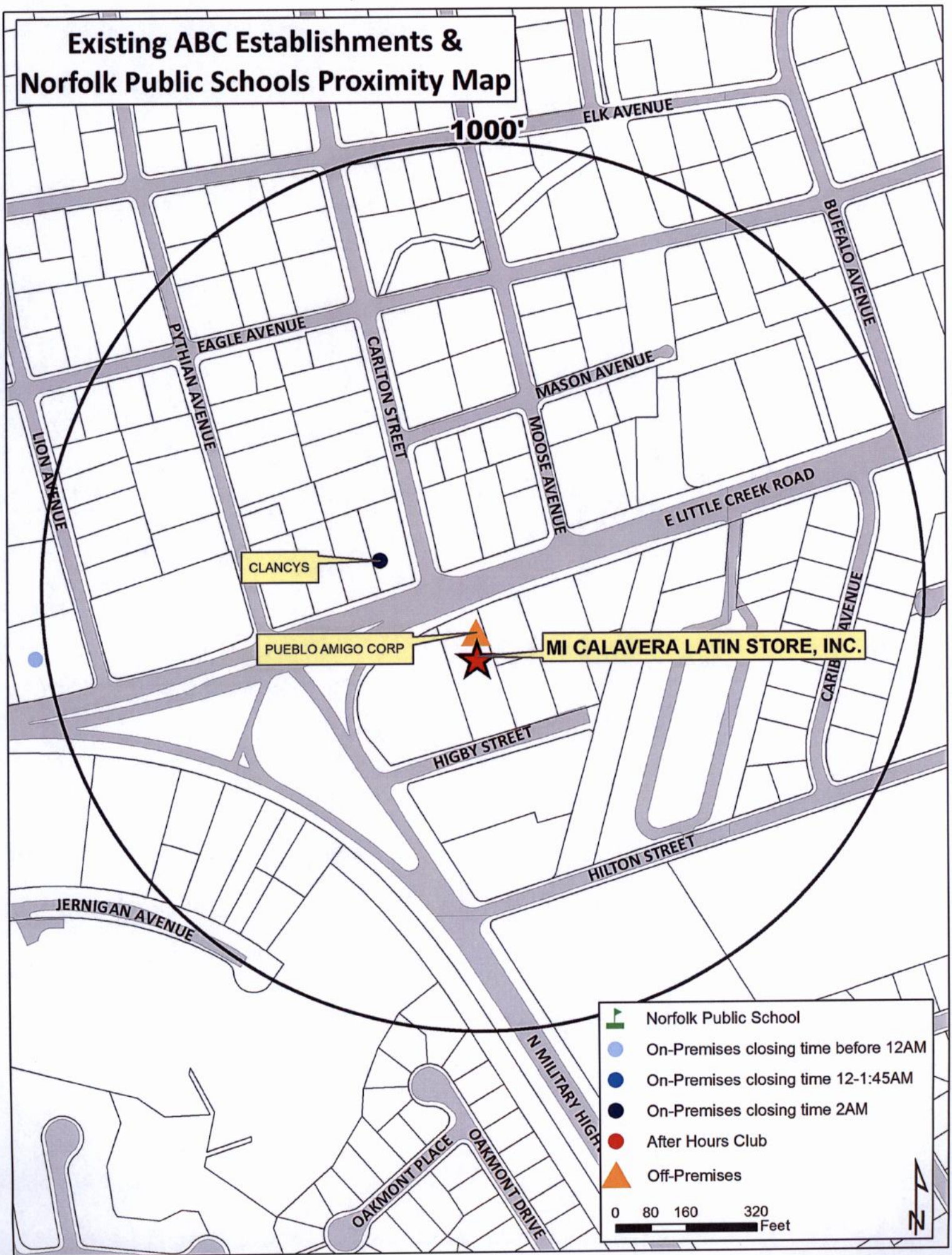


# Zoning Map





# Existing ABC Establishments & Norfolk Public Schools Proximity Map







**APPLICATION  
ADULT USE SPECIAL EXCEPTION  
ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION**

Date of Application: 3-8-2016

**DESCRIPTION OF PROPERTY**

Property location: (Street Number) 1301 (Street Name) E. little creek suite 4-5

Existing Use of Property Specialty Store

Current Building Square Footage 1,372 of 9,280 retail strip

Proposed Use Specialty Store

Proposed Building Square Footage same

Trade Name of Business (If applicable) Mi Calavera latin store Incorporated

**APPLICANT**

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

Mi Calavera Latin Store, Inc.

1. Name of applicant: (Last) Ortega (First) Rosalva (MI) \_\_\_\_\_

Mailing address of applicant (Street/P.O. Box): 1806 Dahlia St

(City) Chesapeake (State) VA (Zip Code) 23324

Daytime telephone number of applicant (757) 776-1222 Fax ( ) \_\_\_\_\_

E-mail address of applicant: tinkbel430@gmail.com

**DEPARTMENT OF CITY PLANNING**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)



**AUTHORIZED AGENT (if applicable)**

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) Cortes (First) Yahadira (MI) P.

Mailing address of applicant (Street/P.O. Box): 1613 Grebe Court

(City) Chesapeake (State) VA (Zip Code) 23320

Daytime telephone number of applicant (757) 386-3083 Fax ( ) \_\_\_\_\_

E-mail address of applicant: tinkebel430@gmail.com

**PROPERTY OWNER**

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

Mandy's Inc.

3. Name of property owner: (Last) Riess (First) Gideon (MI) \_\_\_\_\_

Mailing address of property owner (Street/P.O. box): 2504 Nestlebrook Trail

(City) Virginia Beach (State) VA (Zip Code) 23456

Daytime telephone number of owner (757) 761-5540 email: \_\_\_\_\_

**CIVIC LEAGUE INFORMATION**

Civic League contact: Larrymore Lawns

Date(s) contacted: \_\_\_\_\_

Ward/Super Ward information: \_\_\_\_\_

**DEPARTMENT OF CITY PLANNING**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

**CERTIFICATION:**

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: GIDEON RIESS Sign: [Signature] 3.8.2016  
(Property Owner) (Date)

Print name: Rosalva Ortega Sign: Rosalva ortega 03/08/2016  
(Applicant) (Date)

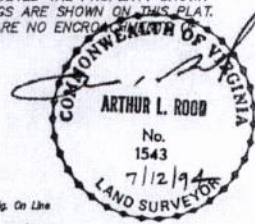
ONLY NEEDED IF APPLICABLE:

Print name: Yahadira P. Cortes Sign: [Signature] 03/08/2016  
(Authorized Agent Signature) (Date)

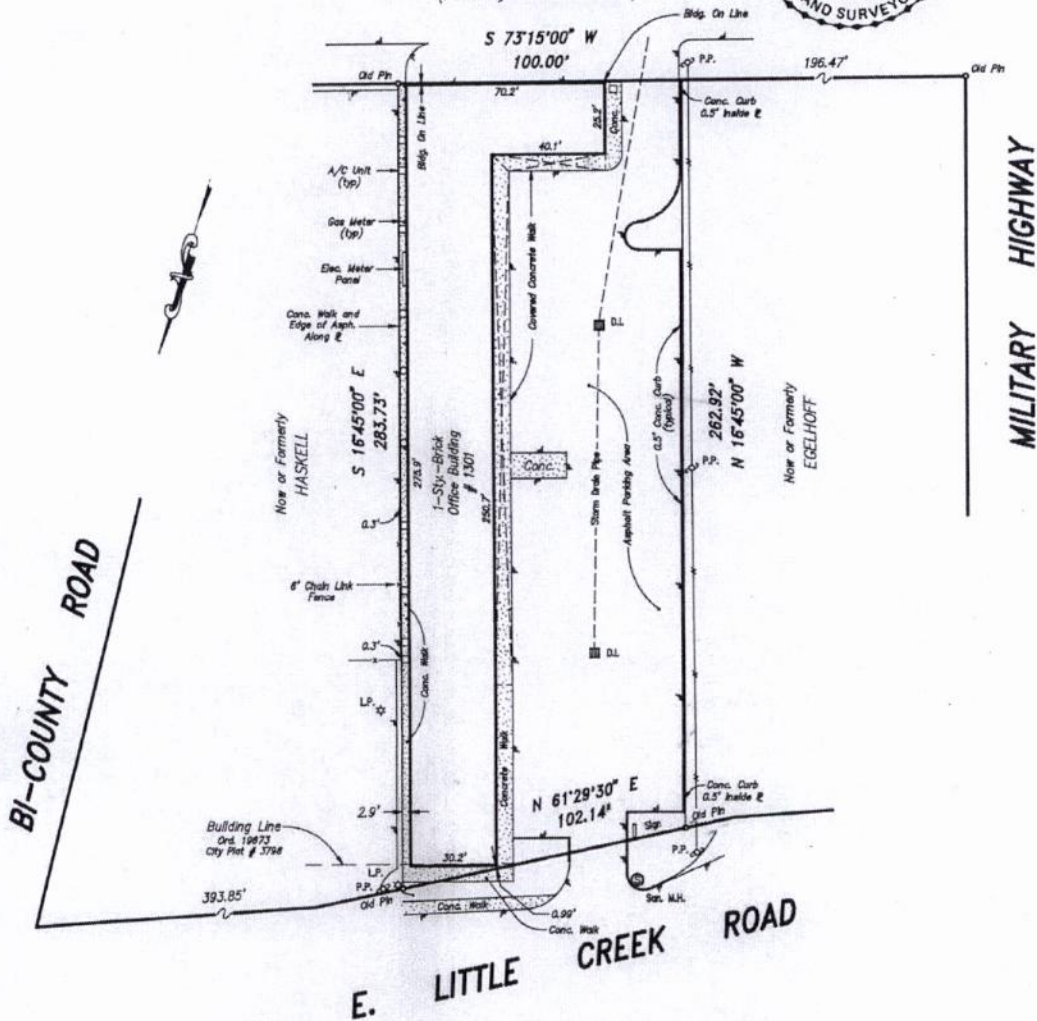


THIS IS TO CERTIFY THAT I ON JULY 12, 1994 SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS ARE SHOWN ON THIS PLAT. THE BUILDINGS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR OTHER BUILDINGS ON THE PROPERTY EXCEPT AS SHOWN.

SIGNED:



**HIGBY STREET**  
(Formerly NELSON STREET)



Physical Survey  
of  
0.63 Acs. Parcel  
As Shown on Plat Entitled  
**Plat of Part of Property of M.W. TALBOT**  
South Side of Little Creek Road  
Norfolk, Virginia  
for  
**GIDEON RIESS**

**Note:**  
This survey does not guarantee the existence or location of underground utilities. The underground utilities shown hereon were established using above ground structures (valves, meters, manholes, etc...) and available utility maps.

- NOTES:**
- 1) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ANY/ALL EASEMENTS OR RESTRICTIONS THAT MAY AFFECT SAID PROPERTY AS SHOWN.
  - 2) FLOOD ZONE INFORMATION SHOWN HEREON IS SCALED FROM FURIA (FLORIDA) MAPS ARE AT APPROX. SCALE) AND DOES NOT IMPLY THAT THE PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING. FOR FURTHER INFORMATION, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL.  
LEE S. ROOD, P.C. IS NOT A PARTY IN DETERMINING THE REQUIREMENTS FOR FLOOD INSURANCE ON THE PROPERTY SHOWN HEREON.
  - 3) ELEVATIONS SHOWN HEREON REFER TO M.G.V.D. OF 1988.

**LEE S. ROOD, P.C.**  
Land Surveyors  
5737 BARTEE STREET  
NORFOLK, VIRGINIA 23502  
Ph. (804) 466-1111

**NOTE:** THIS PROPERTY APPEARS TO FALL IN FLOOD ZONE (S) "C"  
COMMUNITY NO. 510104  
PANEL NO. 06 D DATED: 4/17/84  
BASE FLOOD ELEVATION = ---  
GARAGE FLOOR ELEVATION = ---  
FLOOR ELEV. @ FRONT ENTR. = ---

SCALE: 1"=40' DATE: 7/12/94

REFERENCE: M.B. 30, Pg. 1

F.B. 614 Pg. 68-69

42,518-94 S-3825

12

## Simons, Matthew

---

**From:** Straley, Matthew  
**Sent:** Wednesday, March 16, 2016 1:54 PM  
**To:** 'tasoschrist@yahoo.com'; 'garland.russell@verizon.net'; 'paul\_harrison@verizon.net'  
**Cc:** Smigiel, Thomas; Winn, Barclay; Herbst, James; Simons, Matthew  
**Subject:** new Planning Commission application  
**Attachments:** MiCalavera.pdf

Mr. Christ and Ms. Russell,

Attached please find the following application for a special exception to operate an establishment for the sale of alcoholic beverages for off-premises consumption at 1301 E. Little Creek, suites 4 & 5.

The purpose of the request is to allow for a change of owner/operator of the existing retail store which currently sells alcoholic beverages for off-premises consumption.

The item is tentatively scheduled for the April 28, 2016 Planning Commission public hearing.

*Staff contact: Matt Simons at (757) 664-4750, [matthew.simons@norfolk.gov](mailto:matthew.simons@norfolk.gov)*

Thank You.

Matthew Straley  
GIS Technician II



City Planning  
810 Union Street, Suite 508  
Norfolk, VA 23510  
757-664-4769

Connect with us:  
[www.norfolk.gov](http://www.norfolk.gov)

